

1. What is the guidance on students who are currently enrolled in disciplinary alternative education programs (DAEPs)?

Current guidance on DAEPs may be found in Texas Education Code (TEC), Chapter 37. Specifically, TEC Section 37.008. This section lays out program requirements for DAEPs. As well, Title 19, Texas Administrative Code (TAC), Section 103.1201, provides the standards for the operation of school district DAEPs. No waivers of the requirements of the TEC and TAC regarding DAEP students are in effect at this time, but these issues are currently under consideration.

2. Should DAEP students be credited for participation in distance learning?

TEC, Section 37.008(a), sets forth the requirements for a Disciplinary Alternative Education Program. To the extent the district determines its distance learning program satisfies the educational needs of students and the other requirements of TEC, Section 37.008(a), the district may credit the DAEP student for participation via distance learning.

3. Due to the current closure of our district, please provide guidance on how to close out discipline records for students that complete their time at the DAEP or JJAEP. For example, a student was assigned 25 days and at the time of the closure had 15 days to go. Work was still being provided and the student completed the work virtually for 5 days and the decision was made to allow the student to reenroll at their home campus and close out the DAEP time with reason code 01. Do we use the actual dates even though school is “closed” but instruction continues to warrant time served at the DAEP/JJAEP due to COVID-19?

Nothing prohibits an LEA from reducing DAEP placement time and allowing a student to reenroll at their home campus. As for completing work virtually, please see A2 above. The dates reported should represent the actual days served in a DAEP.

Assumption: “Reason code 01” referenced in the question above is E1009 (DISCIPLINARY-LENGTH-DIFFERENCE-REASON-CODE), not E1006 (DISCIPLINARY-ACTION-REASON-CODE).

4. When our district is able to return to a regular schedule, would our DAEP students continue their DAEP placement? As an example, a student had a 45-day placement before the schools closed and served 10 days. Would that student start back on day 11?

This is a local decision. As stated in A3, nothing prohibits an LEA from reducing DAEP placement time and allowing a student to reenroll at their home campus. In this example, when the LEA is able to return to a regular schedule, the DAEP student could also continue the placement as day 11.

5. When a student completes their placement days, should we withdraw them from the DAEP and place them back with their residence campus? I’m wondering if we count these waiver days as actual days served in DAEP? If a student was assigned 60 days, and they reach the 60 days, counting these waiver days, would we need to move them back to their regular setting?

A student that completes the number of assigned days of a DAEP placement should be returned back to their regular educational setting. Regarding waiver days counting as actual days served in a DAEP, please see A2 above.

- 6. What should our LEA plan for related to discipline during the district's instructional continuity? Is there anything that we should be looking out for during this time? Is there any specific documentation the district needs to submit as far as discipline is concerned?**

There is no additional documentation requirements for discipline records due to COVID-19 at this time.

- 7. A student, during an online discussion with his class, displayed content that was inappropriate and meets the criteria for removal. Are hearing timelines waived or should they be conducted online for placement in a DEA**

If an LEA would like to place a student into a DAEP, the student still has the same due process rights laid out in TEC Section 37.009(a)-(e). Specifically, this question is addressed in TEC Section 37.009(a) which requires not later than the third class day after the day on which a student is removed from class...., the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. These requirements could be met online using Zoom, Skype, etc.